

MINUTES
REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Friday, January 26, 2018
209 South Green Street
Glasgow, KY

PRESENT: Jeff Smith, D.C., President
Chad Henderson, D.C., Vice-President
Terri Byers Abston, D.C., Secretary
James England, D.C., Member
Kelly Cooper Henson, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: SWEARING-IN OF NEW BOARD MEMBERS

Notary Public Lisa Logsdon verified the swearing-in of new board members Drs. James England, Chad Henderson and Kelly Cooper Henson.

ITEM II: ELECTION OF BOARD OFFICERS

Per 201 KAR 21:025, election of officers was held at the last meeting of the year, however due to new board members being appointed, there was a need for re-election of a Vice-President and Secretary. A motion was made by Dr. England, seconded by Dr. Abston and passed 5-0 to nominate Dr. Henderson for the office of Vice-President. A second motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to nominate Dr. Abston for the office of secretary.

ITEM III: RECOGNITION OF OUTGOING BOARD MEMBERS

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to send plaques to outgoing board members to recognize them for their service on the Board.

ITEM IV: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to approve the minutes of the November 17, 2017 board meeting.

ITEM V: FINANCIAL REPORTS

A motion was made by Dr. England, seconded by Dr. Henson and passed 5-0 to approve the financial reports for November and December 2017.

ITEM VI: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Henson, seconded by Dr. Henderson and passed 5-0 to approve the 2018 Letter to Licensees with the suggested additions. A second motion was made by Dr. England, seconded by Dr. Abston and passed 5-0 to nominate Dr. Henderson as the Delegate for NBCE, with Dr. Smith being the Alternate. A motion was made by Dr. England, seconded by Dr. Abston and passed 5-0 to nominate Dr. Smith as the Delegate for the FCLB and Dr. Henderson as the Alternate Delegate. The Board discussed benefits of FCLB

membership and a motion was made by Dr. Abston, seconded by Dr. England and passed 5-0 to continue with FCLB membership for 2018.

ITEM VII: MOTION TO AMEND AGENDA

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to amend the agenda to allow Ben Weigel, attorney, to present information to the Board on behalf of his client Tony Sears, D.C., and administrative case 16-005. Mr. Weigel presented information to the Board on each of these administrative cases.

ITEM VIII: MOTION FOR CLOSED SESSION

A motion was made by Dr. Henderson, seconded by Dr. Abston and passed 5-0 to go into closed session to discuss Dr. Sears' suspension and administrative case 16-005 pursuant to KRS 61.810 (1)(j).

ITEM IX: MOTION FOR OPEN SESSION

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to go into open session. A second motion was made by Dr. Henson, seconded by Dr. Abston and passed 4-0 to accept the recommendations of the Board for the following administrative cases: Dr. Sears' suspension no action was taken and Dr. Henderson recused; 16-005 the Board will move forward with investigation and file the Administrative Complaint and Notice of Hearing and Dr. England recused.

ITEM X: MOTION TO RESUME AGENDA

A motion was made by Dr. England, seconded by Dr. Henson and passed 5-0 to resume the agenda.

ITEM XI: MOTION FOR CLOSED SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss administrative cases 14-011, 14-027, 15-037/17-024, 16-018, 17-018, 17-023A, 17-023B, 17-032, 17-028, 17-030, and 17-033 pursuant to KRS 61.810 (1)(j).

ITEM XII: MOTION FOR OPEN SESSION

A motion was made by Dr. England, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 14-011 no action necessary at this time; 14-027 file an Administrative Complaint and Notice of Hearing; 15-037/17-024 this case is continued; 16-018 this case is continued; 17-018 the signed Agreed Order was received and this case is closed; 17-023A a counter offer will be made on the Agreed Order for settlement of this case; 17-023B this case was combined with 17-033 and a counter settlement agreement was made to close this case; 17-032 this case is continued; 17-028 this case shall be dismissed; 17-030 this case is continued.

ITEM XIII: REGULATION AMENDMENTS

The Board reviewed information concerning regulation amendments. Additional information will be collected for consideration at the following meeting.

ITEM XIV: MOTION FOR CLOSED SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into closed

session to discuss administrative cases 17M-002, 17-034, 17-036, and 17-037 pursuant to KRS 61.810 (1)(j).

ITEM XV: MOTION FOR OPEN SESSION

A motion was made by Dr. England, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. Henderson, seconded by Dr. Abston and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 17M-002 shall be dismissed; 17-034 shall be dismissed; 17-036 shall be dismissed and the Board determined that Board members may audit continuing education courses, but shall inform board staff who will call the course sponsor to let them know a board member will be auditing and will not receive credit hours for the course; 17-037 shall be dismissed with a reminder given to the licensee that he may not engage in contracts or collect fees in advance of treatment.

ITEM XVI: MOTION FOR CLOSED SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss the renewal application of Paul Tran, D.C. and correspondence received from Dr. Robert Kimberlain, D.C. pursuant to KRS 61.810 (1)(j).

ITEM XVII: MOTION FOR OPEN SESSION

A motion was made by Dr. Abston, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to accept the recommendations of the Board for the following administrative cases: Dr. Tran shall be assigned administrative case 18-003 and an agreed order for settlement of the case shall be offered which if accepted shall close the case; the information provided by Dr. Kimberlain shall be forwarded to the Kentucky Board of Massage Therapy for consideration.

ITEM XVIII: ADVERTISING FOR REVIEW
RE: PAUL RAGUSA, D.C.

The Board reviewed an advertisement submitted by Dr. Ragusa and made suggestions for compliance. Board staff shall send Dr. Ragusa a letter of notification.

ITEM XIX: CORRESPONDENCE FROM LEANN CUPON, D.C.
RE: PEER REVIEW CONTINUING EDUCATION

The Board reviewed correspondence from Dr. Cupon regarding continuing education for her peer review certification. A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to ask Dr. Cupon to provide outlines for suggested courses to the Peer Review Committee for review for approval.

ITEM XX: CORRESPONDENCE FROM CAMPBELLSVILLE UNIVERSITY
RE: DOCTORATE OF CHIROPRACTIC PROGRAM

The Board reviewed correspondence from Campbellsville University concerning statutory and regulatory changes which would be necessary for the college to begin a Doctorate of Chiropractic program. The Board would like additional information as to where they are in the process of initiating this program and will let Campbellsville University know they are not prepared to make statutory changes at this time, but may be willing to entertain necessary changes in the future.

ITEM XXI: SET FUTURE MEETING DATES

The Board set 2018 meeting dates for June 1, 2018, at 1:00pm CST, August 23, 2018 at 9:00am CST, and November 16, 2018, at 9:00am CST. The Board set a Jurisprudence course for Friday, October 26, 2018.

ITEM XXII: TRAVEL AND PER DIEM

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXIII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. England, seconded by Dr. Abston and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Jeffery T. Smith, D.C.
President